

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TANYA L WILLIAMS**  
Claimant

**CBS STAFFING LLC**  
Employer

**APPEAL 20A-UI-01892-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/26/20**  
**Claimant: Appellant (1R)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Tanya Williams (claimant) appealed a representative's February 24, 2020, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with CBS Staffing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 18, 2020. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary service that places nurses and certified nursing assistants in the Cedar Rapids, Iowa, area. The claimant worked for the employer as a temporary CNA from July 2019, to November 29, 2019. The claimant also worked for the employer for a few months in 2013. She did not remember signing any paperwork when she started working for the employer.

In November 2019, the claimant was living by herself and working in Cedar Rapids, Iowa. On November 29, 2019, the claimant's boyfriend hit the claimant and she had a black eye that caused lower vision in her left eye. She was mentally and emotionally unable to work after the event. She did not report the situation to law enforcement. The claimant told her employer she was unable to work. The employer continued to have work available.

On December 15, 2019, the boyfriend stole money from the claimant's purse and cut her lip. On December 16, 2019, the claimant moved in with her daughter in Waterloo, Iowa. She filed for unemployment insurance benefits with an effective date of January 26, 2020.

On or about February 25, 2020, the claimant moved to Sioux City, Iowa. The claimant has agoraphobia and believes she has been unable to work since the events of November 29, 2019. She would like to see a counselor or a therapist as soon as possible.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.25(2) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(2) The claimant moved to a different locality.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by her actions. She stopped appearing for work and quit. When an employee quits work because she is moving to a different location, her leaving is without good cause attributable to the employer. The claimant left work because she moved to a different locality. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

The issue of whether the claimant is able and available to work is remanded for determination.

**DECISION:**

The representative's February 24, 2020, decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

The issue of whether the claimant is able and available to work is remanded for determination.



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Beth A. Scheetz  
Administrative Law Judge

March 30, 2020  
Decision Dated and Mailed

bas/scn